

IN THE SENATE OF THE UNITED STATES.

FEBRUARY 15, 1861.—Ordered to be printed.

Mr. BRAGG submitted the following

REPORT.

The Committee on Claims, to whom was referred the petition of B. F. Rittenhouse, report:

* The petitioner, a clerk in the office of the Register of the Treasury, at an annual salary of \$1,600, asks to be allowed an extra compensation of \$250 per annum, for nine years past, on the alleged ground, that, in addition to his regular duties, "he prepared the estimates of appropriations annually laid before Congress." He says that these estimates have no special connection with his assigned duties in the office, those duties being the "keeping the general ledgers of receipts and expenditures," &c. He says further, that "clerks in another office of the department, performing similar services, neither more important nor arduous, have been receiving larger salaries." The faithful performance of the service is certified by the Register of the Treasury, and the ability and fidelity with which the petitioner has performed his duties as a clerk, and the importance of those duties, are attested by several officers and clerks of the Treasury Department.

As to the allegation that other clerks in the department receive higher salaries, in proportion to their duties, than the petitioner, the committee do not regard it is within the scope of their duties to investigate and decide that matter.

It may be that there are clerks in that department who receive a much higher rate of compensation than the nature and importance of the service rendered would justify; but that is a matter intrusted, by law, to the discretion of the head of the department. He is authorized to employ a certain number of clerks, at fixed rates of compensation, and if he fails to make a proper and judicious distribution of the salaries and assignment of the duties of the employés of the department, the remedy lies with him, or with the President, and not in an application to Congress.

By the third section of the act of March 3, 1839, (5 Stat., 319,) it is provided "that no officer in any branch of the public service, or any other person whose salaries or whose pay or emoluments is or are fixed by law and regulations, shall receive any extra allowance or compen-

sation in any form whatever for the disbursement of public money, or the performance of any other service, unless the said extra allowance or compensation be authorized by law."

And the Supreme Court, in construing this act, say: "It is impossible to misunderstand this language, or the purpose and intent of the enactment. It cuts up by the roots these claims, by public officers, for extra compensation for extra services." (18 Curtis's S. C. Reports, 325.)

This law and the construction given to it by the Supreme Court were in existence when these services were rendered, and the claimant was therefore aware that he was prohibited by them from receiving any extra allowance or compensations on account of their performance.

And further, the Secretary of the Treasury, in a letter addressed to the chairman of the Committee on Finance in reference to this case, says: "I am opposed, upon principle, to granting extra compensation for official services, and cannot, therefore, recommend Mr. Rittenhouse's claim in this form to the favorable consideration of the committee," thus indicating his opinion of the injurious consequences upon the administration of the executive departments likely to result from such allowances.

The committee do not see anything in the circumstances of this case to justify a departure, by special legislation, from the salutary principle laid down in the act above cited, and therefore recommend the adoption of the following resolution:

Resolved, That the prayer of the petition of B. F. Rittenhouse, for extra compensation as a clerk in the Treasury Department, ought not to be granted.